

## **REMARKS**

### ***Claim Amendments***

Claims 2, 3, and 5-20 are pending. Claims 2, 3, 5 and 9 are currently amended herein. Claims 10-13 and 17-19 have been withdrawn by the Examiner.

Support for the amendments are found throughout the specification and in the claims as originally filed. *See e.g.*, page 17, line 26 to page 19, line 6; page 47, lines 18-20. Applicants respectfully submit the above amendments do not constitute new matter.

### ***Statement of Substance of Interview Under 37 C.F.R. § 1.133(b)***

In accordance with 37 C.F.R. § 1.133(b) and M.P.E.P. § 713.04, Applicants herein provide a summary of the telephonic interview conducted on December 18, 2007 with Examiner Brent Page ("the interview"). Applicants greatly appreciate the courtesies extended by Examiner Page.

During the interview, Applicants representative argued that the restriction to a single sequence is improper because it does not take into account the full scope of the claimed invention (e.g., dicotyledonous cells and plants in which the activity of SSIII, BEI and BEII proteins are reduced). The Examiner suggested that Applicants amend the claims to indicate that the foreign nucleic acid molecule(s) reduce the expression of the genes encoding these proteins.

### ***Response to Restriction Requirement***

The Office Action requires Applicants to select a single sequence from SEQ ID NOS: 3, 5 or 7. *See* O.A. at page 2.<sup>1</sup>

Applicants respectfully traverse this restriction requirement. However, in order to be fully responsive to the restriction requirement, Applicants provisionally elect SEQ ID NO: 3.

As discussed during the interview, Applicants submit that restriction to a single sequence is improper because it does not take into account the full scope of the claimed invention. It is noted that the claims are amended herein to reflect the Examiner's suggestion made during the interview, and now require reduction of the expression of at least one endogenous gene encoding a binding domain of the SSIII protein, at least one endogenous gene encoding the BEI protein and at least one endogenous gene encoding BEII protein comprising at least 95% identity with the amino acid

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<sup>1</sup> The Office Action refers to SEQ ID NOS: 3, 5 and 7 as "nucleotide sequences." Applicants note, however, these sequences represent amino acid sequences of SSIII, BEI and BEII proteins, respectively. *See* Sequence Listing.

sequence of SEQ ID NOS: 3, 5 and 7, respectively.<sup>2</sup> Applicants submit that the restriction to a single sequence ignores the full scope of the claimed invention because it fails to take into account molecules that reduce the expression of genes encoding proteins having at least 95% identity with the amino acid sequences of SEQ ID NOS: 3, 5 and 7 as required by the amended claims.

In view of the foregoing, Applicants respectfully request withdrawal of the restriction to a single sequence. However, in the event the Examiner does not withdraw this restriction, Applicants hereby provisionally elect SEQ ID NO: 3.

### CONCLUSION

It is believed that these amendments and remarks should place this application in condition for allowance. A notice to that effect is respectfully solicited. If the Examiner has any questions relating to this response or the application in general he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

It is believed that no additional fees are required for entry of this response, but should any additional fees be necessary, the Commissioner is authorized to charge such fees to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

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<sup>2</sup> The claims provide for various alternatives for reducing the expression, e.g., antisense, co-suppression, antisense and sense and a combination thereof.